

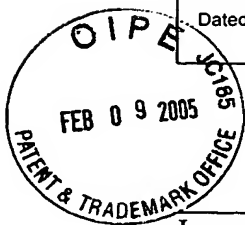
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 378 820 766 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 9, 2005

Signature: 

(DeAnn F. Smith)

Docket No.: WSV-2597
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Phillip R. Cunningham

Application No.: 10/612224

Confirmation No.: 5754

Filed: July 1, 2003

Art Unit: 1636

For: METHODS AND COMPOSITIONS FOR THE
IDENTIFICATION OF ANTIBIOTICS THAT
ARE NOT SUSCEPTIBLE TO ANTIBIOTIC
RESISTANCE

Examiner: R. Akhavan

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed December 28, 2004.

The Examiner has required restriction between the following inventions in the above-identified application:

Group I: claims 1-22, drawn to plasmids and cells containing said plasmids, designated in class 435, subclass 320.1

Group II: claims 29-32, drawn to functional mutant ribosomes, designated in class 530, subclass 350.

Group III: claims 33-34, drawn to drug candidates, designated in class 514, subclass 2.

Group IV: claims 35-36, drawn to genomics databases, designated in class 707, subclass 104.

Group V: claims 23-26, drawn to methods of identifying functional mutant ribosomes, designated in class 435, subclass 6.

Group VI: Claims 27-28, drawn to methods of identifying drug candidates, designated in class 435, subclass 7.2.

Accordingly, Applicant hereby elects **Group VI: Claims 27-28**, drawn to methods of identifying drug candidates for continued examination, without traverse.

The Examiner has further required Applicant to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held allowable under 35 U.S.C. §121. According to the Examiner, the application contains claims directed to the following patentably distinct species of the claimed invention: the species defined by claims 4-6 and 15-17 drawn to SEQ ID NOS:24-159. The Examiner indicates that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.


Accordingly, Applicant hereby elects **SEQ ID NOS:52 and 53** for prosecution in this application, without traverse.

It is the Applicant's understanding that under 35 U.S.C. §121, an election of a single species for prosecution on the merits is required, to which the claims will be restricted if no generic claim is finally held allowable. Applicant further understands that upon the allowance of a generic claim, he will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141 *et seq.*

Applicant submits herewith a Request for the appropriate extension of time.
Accordingly, please charge our Deposit Account No. 12-0080, under Order No. WSV-2597 from which the undersigned is authorized to draw.

Dated: February 9, 2005

Respectfully submitted,

By 

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